

REMARKS

The Office Action mailed on March 20, 2003 has been carefully considered and the Examiner's remarks are appreciated. Claims 11-13 have been amended. Therefore claims 1-16 are presented for examination, with support for the amendments found in the Specification, Claims, and Drawings. In response to the Office Action, Applicants respectfully request reconsideration in view of the above amendments and the following remarks.

Accompanying this communication is a petition to extend the prosecution for three months and the appropriate fee.

Discussion of the Office Action

In the Office Action, the Examiner rejected claims 1-10, 14-15 under 35 U.S.C. §102, and rejected claims 6-20 and 16 under 35 U.S.C. §103(a). The Examiner also objected to the drawings for failing to include reference characters, and to claims 11-13 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Discussion of Objection to Drawings

Corrected Figure 1 including all reference characters has been submitted.

Allowable Subject Matter: Objection to Claims 11-13

Applicants have rewritten claim 11 in independent form including all of the limitations of the base claim and any intervening claims. It is respectfully submitted that claim 11 is now allowable as rewritten, and claims 12 and 13 are also allowable as being dependent on rewritten claim 11.

Discussion of Rejections under 35 USC §102(b)

The Examiner stated that claims 1-5, 14-15 were rejected under 35 USC §102(b) as being anticipated by U.S. Pat. No. 4,883,958 to Vestal. It is respectfully submitted, however, that Vestal alone does not describe all the aforementioned claimed elements of independent claim 1, or of independent claim 14, and that therefore the §102 based rejections are improper in view of MPEP §2131 as follows in part:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”
(emphasis added)

In reference to claim 1, the Examiner cited: FIG. 5 element 146 for the “*hollow housing*”; FIG. 6 element 74 for the “*glow discharge ionizer mounted to one end of said hollow housing*”; and FIG 5, element 81 and 28 for the “*glow discharge detector mounted to an opposite end of said hollow housing*” element. It is respectfully submitted that Figure 6 element 74 does not disclose a glow discharge ionizer mounted to one end of said hollow housing. Element 74 in Figure 64 is directed to a flow tube from one or a series of condensers 22, which is not a glow discharge ionizer. Additionally the glow discharge detector of the present invention is not the same as the gas phase detector 28 shown in Figure 6. And the combination of 74 and 80 are not the hollow housing shown at reference 11 in Figure 1 of the present invention. In reference to claims 2-5, the same or similar reasons are submitted as for Claim 1. Each of the claims is not found in Vestal.

In addition, all the claim limitations of 14 and 15 are also not met in that no mention of simultaneous detection of ions and molecules is discussed passing through the mechanism.

Discussion of Rejections under 35 USC §103(a)

The Examiner also rejected claims 6-10 and 16 as being unpatentable over Vestal in view of U.S. Pat. No. 4,238,678 to Castelman et al. It is respectfully submitted, however, that the Examiner has failed to make a prima facie case of obviousness, as required by MPEP §2143.03 as follows in part:

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art"

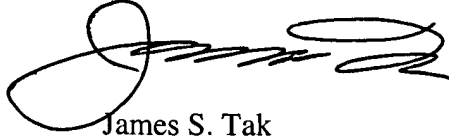
It is respectfully submitted that not all the claim limitations are taught or suggested by the prior art, with respect to claims 1-5 and 14 and 15 as discussed above.

Summary

Applicant respectfully submits that claims 1-16 are in condition for allowance. Applicants respectfully request allowance of claims 1-16.

In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, he is respectfully requested to initiate the same with the undersigned at (925) 422-7274.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James S. Tak', with a large, stylized initial 'J'.

Dated: September 22, 2003

By:

James S. Tak
Attorney for Applicant
Registration No. 46,367

Lawrence Livermore National Lab
7000 East Avenue, L-703
Livermore, CA 94550
TEL: (925) 422-7274
FAX: (925) 423-2231